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NOTICE OF INTENT TO DELETE

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-                    ]

**HOWE VALLEY LANDFILL SUPERFUND SITE, HARDIN COUNTY, KENTUCKY**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Intent to Delete.

**SUMMARY:**

The Environmental Protection Agency (EPA) Region 4 announces its intent to delete the Howe Valley Landfill Site (the Site) from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL constitutes Appendix B of 40 CFR which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. EPA and the Commonwealth of Kentucky have determined that the responsible parties have implemented all appropriate response actions required at the Site and therefore, further remedial measures pursuant to CERCLA are not appropriate.

**DATES:**

A 30-day Public Comment Period (April 1, 1996 to April 30, 1996) has been established for the Howe Valley Site deletion proposal. Comments concerning this site may be submitted on or before April 30, 1996.

**NOTICE OF INTENT TO DELETE**

**ADDRESSES:**

Comments may be mailed to: Nestor Young, Remedial Project Manager, North Superfund Remedial Branch, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, N.E., Atlanta, GA 30365.

Comprehensive information on this Site is available through the public docket which is available for viewing at the Howe Valley Landfill Site information repositories at the following locations:

Hardin County Public Library, 201 West Dixie Avenue, Elizabethtown, KY, 42701.

U.S. EPA Record Center, 345 Courtland Street, N.E., Atlanta, GA, 30365.

**FOR FURTHER INFORMATION CONTACT:**

Nestor Young, U.S. EPA Region 4, 345 Courtland St., N.E., Atlanta, Ga 30365, 404-347-3555 Ext. 2023 or 1-800-435-9233.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The Environmental Protection Agency (EPA) Region 4 announces its intent to delete the Howe Valley Landfill Site, Hardin County, Kentucky, from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, and requests comments on

## NOTICE OF INTENT TO DELETE

its deletion. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such action.

The EPA will accept comments on the proposal to delete this Site for thirty days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the Howe Valley Landfill Site and explains how the Site meets the deletion criteria.

### **II. NPL Deletion Criteria**

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

- (i) Responsible parties or other parties have implemented all appropriate response actions required;
- (ii) All appropriate responses under CERCLA have been

NOTICE OF INTENT TO DELETE

implemented, and no further action by responsible parties is appropriate; or

- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment.

### **III. Deletion Procedures**

The following procedures were used for the intended deletion of this site: (1) EPA Region 4 has recommended deletion and has prepared the relevant documents, (2) The Commonwealth of Kentucky has concurred with the deletion decision, (3) Concurrent with this Notice of Intent to Delete, a local notice has been published in local newspapers and has been distributed to appropriate federal, state and local officials, and other interested parties. This local notice announces a thirty (30) day public comment period, provides an address and telephone number for submission of comments, and identifies the location of

#### NOTICE OF INTENT TO DELETE

the local site repository; and (4) Region 4 has made all relevant documents available in the Regional Office and local site information repository.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As mentioned in Section II of this Notice, § 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions.

For deletion of this Site, EPA Region 4 will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary to address any significant public comments received.

A deletion occurs when the EPA Regional Administrator places a final notice in the Federal Register. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region 4.

#### **IV. Basis for Intended Site Deletion**

The following site summary provides the Agency's rationale for the proposal to delete this Site from the NPL.

A. Site background

The sparsely vegetated, eleven (11) acre Howe Valley Landfill Site is situated at the end of Tom Duvall Lane, approximately 1.4 miles south of State Road 86 near the towns of Cecilia and Vertrees, Kentucky. The nearest community to the site is the unincorporated area of Howe Valley.

B. History

Beginning in 1967, Kentucky Industrial Services, Inc. (KIS) used the Howe Valley Site as an industrial waste landfill. The landfill operated under the State-issued solid waste permit until June 1976, when the Site was formally closed.

Upon the State's request, EPA conducted a Preliminary Assessment (PA) and Site Investigation (SI). EPA found that between 2,000 and 5,000 drums were buried at the landfill, and confirmed that water flowed towards Linders Creek. EPA proposed the site for inclusion on the National Priorities List (NPL) in June 1986. The site was formally included on the NPL in July 1987.

Under an Administrative Order with EPA, two Potentially Responsible Parties (PRPs) agreed to conduct a Removal Action and a Remedial Investigation (RI)/Feasibility Study (FS). The Removal Action, performed in the summer of 1988, involved excavating a total of 9,150 full or partially filled drums; 1,621 empty drums; 6,000 small containers; and 3,000 cubic yards of

NOTICE OF INTENT TO DELETE

containerized waste. All wastes and highly contaminated soils were sent off-site for permanent disposal at a Resource Conservation and Recovery Act (RCRA) approved landfill.

On September 28, 1990, EPA issued a Record of Decision (ROD) which selected a remedy for contaminated soil still remaining on-site. The major components of the remedy selected consisted of excavation and off-site disposal of contaminated soil from the outer area and, on-site treatment of contaminated soil from the central area.

The selected remedy included the following:

- Excavation and off-site disposal of contaminated soil containing elevated concentrations of inorganic compounds.
- Implementation of a bench-scale treatability study to insure that the selected aeration treatment (rototilling) will reduce organic concentrations to acceptable levels.
- Excavation and treatment of central area soil by aeration via rototilling.
- Five years of quarterly monitoring of Boutwell Spring and any additional springs or wells that lay along the groundwater conduit between the site and Boutwell Spring.
- Placement of deed restrictions to limit usage of the property and its associated groundwater.

Following issuance of the ROD in September 1990, EPA entered into negotiations with Dow Corning Corporation (Dow) to conduct

the final clean-up. An agreement between EPA and Dow was entered in the United States District Court on May 22, 1991.

Final cleanup actions were conducted between November 1991 and July 1994. On August 30, 1994, Dow's contractor submitted a Remedial Action Report signifying successful completion of the remedial activities. The report documents and discusses the work performed at the site. KDEP concurred with the Remedial Action Report. The work was completed at a cost of \$2,928,681.

C. Characterization of Risk

Samples collected during the Removal and findings made in the RI/FS indicated unacceptable levels of contamination in subsurface soils, located in the central area and an outlying area of the site. Organic contaminants were concentrated primarily in the central area, and the outlying area contained only inorganic contaminants. In both these areas, the contaminants were located within the near-surface (1 to 2 feet deep) and subsurface (3 to 9 feet deep) of the Site.

At completion of the remedial action, confirmatory sampling verified that: 1) the ROD cleanup objectives were achieved, 2) all actions specified in the ROD were implemented, and 3) the Site no longer posed any threats to human health and the environment.



D. Operation and Maintenance

Since all of the contaminated soil was remediated, and quarterly monitoring of Boutwell Spring was terminated, no long term Operation and Maintenance (O&M) activities associated with the site are required.

E. Five-Year Review

EPA Region 4 has determined that the remedial action completed has attained the site remediation objectives outlined in the ROD and that no hazardous substances, pollutants, or contaminants remain on-site exceeding concentrations that will restrict unlimited use of the site or threaten human health through unlimited exposure. Therefore, a five-year review of this site will not be required.

F. Explanation of Significant Differences

The remedy selected in the ROD was modified in two instances by issuance of an Explanation of Significant Differences (ESD). The first ESD was issued in March 1993. This ESD modified the remedy to include: removal of additional drums and contaminated material; identification of subsurface soils containing an organic liquid and development of a cleanup plan; and treatment of contaminated rainwater collected during the excavation.

The second ESD was issued in August 1995 and it was done primarily to eliminate the ROD requirement for five years of

NOTICE OF INTENT TO DELETE

monitoring of Boutwell Spring and the requirement for deed restrictions. Both of these requirements were dropped due to the fact that the cleanup objectives in the ROD were met, and no hazardous substances, pollutants, or contaminants remained on-site that would restrict unlimited use of or exposure to the Site.

G. State Concurrence to Delete the Howe Valley Site

The Commonwealth of Kentucky concurred with the deletion of the Site by letter dated December 7, 1995.

EPA, with concurrence of the Commonwealth of Kentucky, believes that the following criterion for deletion have been met: (1) Responsible parties have implemented all appropriate response actions required; and (2) No further response action by responsible parties is appropriate. Subsequently, EPA is proposing deletion of Howe Valley Landfill Site from the NPL. Documents supporting this action are available from the public docket.

3/5/96  
Date

John H. Hankinson, Jr.  
John H. Hankinson, Jr.  
Regional Administrator  
U.S. EPA Region 4